

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:19-cv-00404

Willie L. Ray,
Relator,

v.

Judge Kerry L. Russell,
Respondent.

ORDER

Relator Willie L. Ray filed the instant application for a writ of mandamus against Judge Kerry Russell of the Seventh Judicial District Court in Smith County, Texas. Doc. 2. The application was referred to United States Magistrate Judge K. Nicole Mitchell. Doc. 1.

On June 19, 2020, the magistrate judge issued a report recommending that the application be dismissed with prejudice as to seeking mandamus relief from a federal court, but without prejudice to any other remedies that may be available. Doc. 4. Relator did not object to the report and recommendation. When a party fails to object to a magistrate judge's report, the court reviews the record only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996).

Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court **accepts** its findings and recommendation. Relator's application is **dismissed with prejudice** as to seeking mandamus relief from a federal court, and **dismissed without prejudice** to any other remedies that may be available.

So ordered by the court on November 24, 2020.



J. CAMPBELL BARKER
United States District Judge